



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Kreutzer, *et al.*

Appl. No.: 09/810,521

Filed: March 19, 2001

For: **L-Lysine-Producing Corynebacteria
and Process for the Preparation of
Lysine**

Art Unit: 1652

Examiner: D. Steadman

Atty. Dkt.: 21123/278416

#12
P.G.
4/15/02

Response to Restriction Requirement

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

APR 09 2002

TECH CENTER 1600/2900

Sir:

In response to the Office Action dated March 12, 2002, in which the Examiner imposed a restriction requirement on the claims in the above-captioned application, Applicants hereby elect the inventions of restriction Group I. This includes claims 1-4, 16, 19, 20, 22 and 23, directed to a corynebacteria with an enhanced *pyc* gene in addition to enhanced *dapA*, *lysC*, and/or *lysE* genes. It is respectfully requested that the claims in the non-elected restriction groups be cancelled without prejudice.

This election is made without traverse.

Applicants do not believe that any fee is required for the filing of the present document. Nevertheless, if one or more extensions of time are required to prevent the application from going abandoned, then such extensions of time are hereby petitioned and any fees therefor may be charged to our Deposit Account No. 03-3975, under Order No. 21123/278416.

If the Examiner believes that a phone call may help to expedite this matter, he is invited to call Applicants' undersigned attorney at (703) 905-2173.

Respectfully submitted,
PILLSBURY WINTHROP LLP

By: Michael A. Sanzo
Michael A. Sanzo
Attorney for Applicants
Reg. No. 36,912

Date: April 8, 2002
1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): KREUTZER et al.

Appln. No.: 09

810,521

Series Code ↑

Serial No. ↑

Filed: March 19, 2001

Hon. Commissioner of Patents
Washington, D.C. 20231

Group Art Unit 1652

Examiner: D. Steadman

Atty. Dkt. P 278416 980183BT-B

M#

Client Ref

Appln. Title: L-lysine-producing corynebacteria and
process for the preparation of lysine

Sir:

REPLY/AMENDMENT LETTER

Date: April 8, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

APR 09 2002

1. Small Entity claim

- A. ☒ NOT made For B & C
B. ☐ Withdrawn See Required
C. ☐ made herewith Separate Paper
D. ☐ made previously (Pat-256)

| Claims remaining after amendment | Highest number previously paid for | Present Extra | Large/Small Entity | Additional Fee | Fee Code Lg/Sm |
|---|--|-------------------------------|------------------------|-----------------------|---|
| 2. Total Effective Claims | 9 | **minus 34 | 0 | | |
| 3. Independent Claims | 6 | ***minus 11 | 0 | x \$18/\$9 = + \$0 | 103/203 |
| 4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) | | | | x \$80/\$40 = + \$0 | 102/202 |
| 5. Original due Date: April 12, 2002 | | <input type="checkbox"/> NONE | | + \$270/\$135 = + \$0 | 104/204 |
| 6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached | (1 mo) \$110/\$55 = (2 mos) \$390/\$195 = (3 mos) \$890/\$445 = (Usable only for ≤ 2mo.OA --- 4 mos) \$1390/\$695= (Usable only for 30 day/1mo.OA --- 5 mos) \$1890/\$945= | | + \$0 | | 115/215 116/216 117/217 118/218 128/228 |
| 7. Enter any previous extension fee paid since above original due date and subtract | | | - \$0 | | |
| 8. | | | | | |
| 9. If Terminal Disclaimer attached, add Rule 20(d) official fee | | | Extension Fee Attached | + \$0 | |
| 10. If IDS attached requires Official Fee under Rule 97 (c), or if Rule 97(d) Request | | | + \$110/\$55 | + \$0 | 148/248 |
| 11. After-Final Request Fee per rules 129(a) and 17(r) | | | + \$180 | + \$0 | 126 |
| 12. No. of additional inventions for examination per Rule 129(b) | | | + \$180 | + \$0 | 126 |
| 13. Request for Continued Examination (RCE) | | | + \$710/355 | + \$0 | 146/246 |
| 14. Petition fee for | | | x \$710/355 ea | + \$0 | 149/249 |
| | | | + \$710/355 | + \$0 | 1179/1279 |
| 15. | | | | + \$0 | |
| TOTAL FEE ENCLOSED = | | | | \$0 | |

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975)

(Our Order No. 21123 278416

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group
By Atty: Michael A. Sanzo

Sig:

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Atty/Sec: MAS/AMX

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments